

RULES OF PRACTICE AND PROCEDURE

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*Arizona Corporation
Commission*

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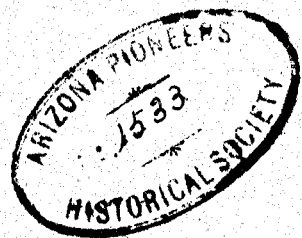
RULES OF PRACTICE AND PROCEDURE

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*Arizona Corporation
Commission*

**PHOENIX
1913**



BEFORE THE
ARIZONA CORPORATION COMMISSION
GENERAL ORDER No. 22

The following rules of practice and procedure are hereby adopted by the Arizona Corporation Commission in accordance with Section 53, Chapter 90, Acts of the Regular Session of the First Legislature of the State of Arizona, said rules to be in full force and effect from and after the first day of June, 1913.

ARIZONA CORPORATION COMMISSION,

W. P. GEARY,
Chairman,

A. W. COLE,

F. A. JONES,
Commissioners.

Attest:

CHAS. A. SMITH, Secretary.

Dated at Phoenix this 15th day of April, 1913.

**RULES OF PRACTICE AND PROCEDURE.
ARIZONA CORPORATION COMMISSION.**

Adopted April 15th, 1913. Effective June 1st, 1913.

The following rules of practice and procedure are adopted by the Arizona Corporation Commission:

RULE I.

Definitions.

Public Service Corporation.

1. The term "public service corporation," when used in these rules, includes every common carrier, pipe line corporation, gas corporation, electrical corporation, telephone corporation, telegraph corporation, water corporation, and warehouseman as those terms are defined in Sec. 2 of Chapter 90 Acts of the Regular Session of the First Legislature of the State of Arizona.

Commission.

2. The term "Commission," when used in these rules, means the Arizona Corporation Commission.

Formal proceeding.

3. The term "formal proceeding," when used in these rules, means a procedure which contemplates a hearing before the Commission or a Commissioner sitting in a judicial or quasi-judicial capacity. A formal proceeding may be either (a) a complaint or (b) an application.

Complaint.

4. The term "complaint," when used in these rules, means a formal proceeding, whether brought upon the Commission's own motion or upon complaint of a third party, having for its object the rendition of an order or decision which can be enforced by the Commission.

Application.

5. The term "application," when used in these rules, means a formal proceeding brought by a public service corporation, for the purpose of securing the Commission's authorization or permission to perform an act.

Financial condition.

6. The term "financial condition," when used in these rules with reference to application, means the financial condition of the applicant as shown by a schedule or schedules annexed to the petition and properly referred to therein, and showing:

Stock.

- (a) Amount and kinds of stock authorized.
- (b) Amount and kinds of stock issued and outstanding.

Preferred stock.

- (c) Terms of preference of all preferred stock, whether cumulative or participating, or on dividends or assets, or otherwise.

Mortgage.

- (d) Brief description of each mortgage upon property of the applicant, giving date of execution, name of mortgagor, name of mortgagee or trustee, amount of indebtedness authorized to be secured thereby and amount of indebtedness actually secured.

Bond issues.

- (e) Number and amount of bonds authorized and issued, giving name of the public service corporation which issued the same, describing each class separately, giving date of issue, par value, rate of interest, date of maturity and how secured.

Other indebtedness.

- (f) Other indebtedness, giving same by classes and describing security, if any, with a brief statement of the devolution or assumption of any portion of such indebtedness upon or by any corporation or person, if the original liability has been transferred.

Interest.

- (g) Amount of interest paid during previous fiscal year and rate thereof, with amount paid at each rate, if different rates were paid, upon each issue of indebtedness.

Dividends.

- (h) Rate and amount of dividends paid during the five previous fiscal years and the amount of capital stock on which dividends paid each year.

Earning statements.

- (i) Detailed statement of earnings and expenditures for and balance sheet showing conditions at close of last fiscal year, unless already filed with the Commission as part of the annual report, in which case a reference to the finding should be given.

RULE II.

Office in Phoenix.

The office of the Commission shall be in the State House at Phoenix, Arizona, and shall always be open, legal holidays and non-judicial days excepted, for the transaction of general business.

General executive sessions.

General executive sessions of the Commission will be held at 3:00 o'clock P. M. on each Tuesday and Friday of each week at the office of the Commission.

Sessions elsewhere.

Special sessions of the Commission may be held at such times and places as the Commission may direct.

RULE III.

Information.

Secretary to advise and furnish information to the public.

The Commission's secretary will, upon request, advise as to the form of complaint, petition, answer or other documents necessary to be filed in any formal proceeding, and furnish such information from the files of the Commission as will conduce to a full presentation of material facts.

RULE IV.

Communications to Commission.

- 1. All communications should be addressed to "Arizona Corporation Commission, Phoenix, Arizona."

Cases to be numbered.

- 2. The Secretary shall assign to each formal proceeding a number which the parties shall, before filing, place on all subsequent papers in such proceeding.

Documents to be uniform.

- 3. All pleadings filed with the Commission in formal proceedings shall be printed or typewritten on one side of the paper only, and, as far as practicable, shall be upon paper 8½x13 inches in size. Each page shall be numbered.

Pleadings may be amended.

- 4. The Commission may, in its discretion, allow any pleading to be amended or corrected or any omission therein to be supplied.

Commission may issue subpoenas.

- 5. Subpoenas requiring the attendance of a witness from any place in the State to any designated place of hearing for the purpose of taking the testimony of such witness orally, before the Commission, or one or more Commissioners, may be issued by any Commissioner or the Secretary.

Subpoenas duces tecum.

Subpoenas for the production of books, accounts, papers, way bills and other documents (unless issued upon the Commission's own motion) will only be issued upon application in writing stating, as nearly as possible, the books, accounts, papers, waybills or other documents desired to be produced.

Personal service.

6. Personal service of papers in all hearings, investigations and formal proceedings pending before the Commission may be made upon any person upon whom service may be made in accordance with the Laws of this State.

Service by registered mail.

Service may also be made by mailing in a sealed envelope, registered, with postage prepaid, addressed to any party to such hearing, investigation or formal proceedings, or to any person upon whom a summons may be served, in accordance with the provisions of the Laws of this State.

If service is by mailing, and an act is to be performed within a specified time after service, the time for the performance of the act shall begin to run at the time the registered letter is received.

Service upon attorney.

When any party has appeared by attorney, service upon the attorney will be deemed proper service upon such party.

Orders, etc., must be in writing. Copy Served.

7. Each order, authorization or certificate made, issued or approved by the Commission shall be in writing and shall be filed with or entered on the records of the Commission, in accordance with the provisions of Chapter 90 Acts of the Regular Session of the First Legislature of the State of Arizona, and a duly authenticated copy thereof under the seal of the Commission, shall be served upon or delivered to the corporation or person complained of, or the applicant, or his or its attorney.

Intervention.

8. In any formal proceeding, the Commission may permit any corporation, association, municipality, body politic or person, not parties, to intervene and be heard, upon a showing of intervener's interest in the proceeding.

Leave thus granted shall entitle the intervener to have notice of and to appear at the taking of testimony, to produce and cross-examine witnesses, and to be heard in person or by counsel on the argument.

Appearances.

Any person may appear before the Commission and be heard in person or by attorney.

RULE V.

Complaint shall be in writing.

1. Complaint may be made by the Commission of its own motion or by any corporation or person, chamber of commerce, board of trade, or any civic, commercial, mercantile, traffic, agricultural or manufacturing association or organization or any body politic or municipal corporation, by complaint in writing, setting forth any act or thing done, or omitted to be done by any public service corporation in violation, or claimed to be in violation of any provision of law or of any order or rule of the Commission.

No direct damage.

- (a) No complaint shall be dismissed because of absence of direct damage to the complainant.

Misjoinder of grievances.

- (b) No motion shall be entertained against a complaint for misjoinder of complaints or grievances, or misjoinder of parties.

Public service corporations may complain.

- (c) Any public service corporation shall have the right to complain on any of the grounds upon which complaint may be made by other parties.

Form of complaints.

2. Each complaint shall show the venue, "Before The Arizona Corporation Commission," shall bear a heading showing the name of the complainant and defendant, respectively, and shall state:

- (a) The name and postoffice address of the complainant.
- (b) The name and postoffice address of the defendant.
- (c) Fully, clearly and with reasonable certainty the act or thing done or omitted to be done, of which complaint is made.
- (d) Such other matters of fact, if any, as may be necessary to inform the Commission fully with reference to the details of the alleged cause of action.
- (e) A prayer or statement of the relief demanded.

How Complaints must be signed.

- 3. (a) The complaint shall be signed by the complainant or his attorney, if any, and shall show the name and postoffice address of such attorney.
- (b) Except upon its own motion, the Commission will entertain no complaint as to the reasonableness of any rates or charges of any gas, electrical, water or telephone corporation, other than a complaint of the corporation itself, unless the same be signed by the mayor or the president or chairman of the board of trustees or a majority of the council, commission, or other legislative body of the city or town, if any, within which the alleged violation occurred, or not less than twenty-five consumers or purchasers or prospective consumers or purchasers of such gas, electricity, water or telephone service.

Copies of complaint.

- 4. At the time complainant files his original complaint, he must also file copies thereof in number equal to the number of corporations or persons to be served, and three additional copies for the use of the Commission.

Answer to complaints.

- 5. Upon the filing of such complaint, the Commission shall cause a copy of the same, together with notice to answer or satisfy within a designated time, to be served personally or by mail upon the defendant or defendants, provided the Commission shall consider that the cause of action is of such a nature as prima facie to admit of relief or justify redress under the law, and for this purpose the Commission may make such ex parte investigation as it may deem proper.

If, in the Commission's opinion, the complaint is not such as to admit of relief or redress, it shall notify the complainant, or his attorney, of such findings and complainant will be permitted to amend the complaint within a specified time.

The defense must answer in writing within ten days from the date of service of the order of the Commission, provided that the Commission may, in its discretion, require the answer to be filed within a shorter time.

Settlement without a hearing.

6. If the defendant desires to satisfy the complaint, he may submit to the Commission, within the time allowed for satisfaction or answer, a statement of the relief which he is willing to give. On the acceptance of this offer by the complainant and the approval of the Commission, no further proceedings need be taken.

Procedure when complaint is contested.

7. If satisfaction be not made as aforesaid, the corporation or person complained of must, within the time specified in the order or such extension thereof as the Commission, for good cause shown, may grant, file an answer to the complaint.

The answer must contain a specific denial of such material allegations of the complaint as are controverted by the defendant and also a statement of any new matter constituting a defense. If the answering party has no information or belief upon the subject sufficient to enable him to answer an allegation of the complaint, he may so state in his answer and place his denial upon that ground.

The filing of an answer will not be deemed an admission of the sufficiency of the petition, but a motion to dismiss may be made at the hearing.

RULE VI.

Hearings and Rehearings In All Formal Proceedings.

Classes of cases entitled to a hearing.

1. Except as otherwise determined in specific cases, the Commission will grant a hearing in the following classes of cases:

- (a) When an order to satisfy a complaint or to make answer thereto has been made and the corporation or person complained of has not satisfied the cause of complaint. (Rule V.)
- (b) When an application has been made in a formal proceeding.

Ten days' notice required.

2. (a) Notice of the day and hour of a hearing shall be served at least ten days before the time set therefor, unless the Commission shall find that public necessity requires the hearing to be held at an earlier date.

Hearings shall be held in the office of the Commission at Phoenix unless elsewhere specified in the notice.

Formal applications.

(b) In formal applications, the Commission may, in its discretion, give all other corporations or persons who may be affected thereby an opportunity to be heard, either by service upon them of a copy of the petition or by publication of the substance thereof, at the expense of the applicant, for such length of time and in such newspaper or newspapers as the Commission may designate.

In such cases, the form of the notice must be submitted to the secretary of the Commission for approval, and proof of the publication thereof must be filed with the secretary at or before the hearing.

(c) Hearings may be had before the Commission or any Commissioner delegated by the Commission for that purpose.

Agreements as to facts.

3. The parties to any proceeding or investigation before the Commission may, by stipulation in writing filed with the Commission or entered in the record, agree upon the facts or any portion thereof involved in the controversy, which stipulation shall be regarded and used as evidence at the hearing. It is desirable that the facts be thus agreed upon whenever practicable. The Commission may in such cases require such additional evidence as it may deem necessary.

Examination of witnesses.

4. (a) Witnesses will be examined orally and under oath before the Commission or a Commissioner, unless the facts are stipulated or the Commission or a Commissioner otherwise orders.

Complainant must establish facts.

(b) The Complainant must establish the facts upon which he basis his complaint, unless the defendant admits the same or fails to answer the complaint. The defendant must likewise give evidence of the facts alleged in the answer, unless admitted by the complainant, and must fully disclose its defense at the hearing. In case of failure to answer, the Commission will take such proof of the facts as may be deemed proper and reasonable and make such order thereon as the circumstances of the case may require.

Documentary evidence.

(c) If documentary evidence is offered, the Commission, in lieu of requiring the originals to be filed, may, in its discretion, accept certified or otherwise authenticated copies of such documents or of such portions of the same as may be relevant; or may require such evidence to be transcribed as part of the record.

Hearings may be adjourned.

5. Hearings may be adjourned from time to time by or at the direction of the Commission or a Commissioner.

Submission of briefs.

6. The Commission or a Commissioner may require the submission of briefs.

Investigation by Commission on its own motion.

7. The Commission may at any time, of its own motion, make investigations and order hearings into any act or thing done or omitted to be done by any public service corporation which the Commission may believe is in violation of any provision of law or of any order or rule of the Commission. It may also, through its own experts or employees, or otherwise, secure such evidence as it may consider necessary or desirable in any formal proceeding in addition to the evidence presented by the parties.

Application for re-hearing.

8. Any party to a formal proceeding or any stockholder or bond holder or other party pecuniarily interested in the public service corporation affected, or the Attorney General of the State of Arizona, may apply for a rehearing as to any matters determined by the Commission and specified in the application for the rehearing, and the Commission may grant and hold such rehearsings on said matters, if, in its judgment, sufficient reason therefor be made to appear. Such application shall set forth specifically the ground or grounds on which the applicant considers the Commission's decision or order to be unlawful or erroneous. Rehearings must be asked for before the effective date of the decision or order complained. In further respects, rehearsings will be governed by the provisions of Section 66 of Chapter 90, Acts of the Regular Session of the First Legislature of the State of Arizona.

If such application be to re-open the case for the submission of new or additional evidence, the nature and purpose of such evidence must be briefly stated, and the same must not be merely cumulative.

An application for a rehearing must be made in as many copies as there are complainants in the case, and in addition three copies for the use of the Commission; all copies to be forwarded to the Commission.

RULE VII.

Switch Connections and Spurs. Complaints For.

Complaint for installation of switch must show amount of business, length of track required.

When complaint is made for the installation of a switch connection or spur, under the provisions of Section 39, Chapter 90 Acts of The Regular Session of the First Legislature of the State of Arizona.

1. The complaint, in addition to the requirement of Rule V 2, must state:

- (a) Character and amount of business which will probably be tendered at such connection of spur.
- (b) Length of track necessary to be built by defendant and the cost of the same.

Map in triplicate.

2. With the complaint shall be filed:

- (a) Map on scale of not less than 100 feet per inch, showing location of existing tracks; property lines; buildings and structures in the vicinity; and the location and length of the proposed switch connection or spur.

Such map should be filed in triplicate; one copy shall be on tracing linen unless waived by the Commission.

RULE VIII.

Physical valuation.

Formal proceedings instituted by the Commission to ascertain the value of the property of a public service corporation shall be conducted as specified in Section 70, Chapter 90, Acts of the Regular Session of the First Legislature of the State of Arizona.

Whenever in any formal proceeding the value of the property or a portion thereof of a public service corporation becomes relevant and pertinent, the Commission may, through its own experts and employees, or otherwise, investigate and ascertain such value.

RULE IX.

Formal Applications.

1. All formal applications must be by petition in writing, signed by the applicant and duly verified.

The petition must set forth the name and postoffice address of the applicant and must show the name and address of its attorney, if any, and must contain a clear statement of the facts on which the application is based, with a request for the order, authorization, permission or certificate desired and a reference to the particular provision of law requiring or providing for the same.

Three copies of the petition shall be filed with the original, except in applications covered by Rules XVII, XVIII, XIX and XX, in which cases the original petition alone need be filed.

The petition must contain such further statements as may be required by any provision of law or of these rules and must show in detail compliance therewith.

Information required with formal applications.

If maps or profiles are filed with the petition, they must always be filed in triplicate, and one copy thereof shall be on tracing linen unless waived by the Commission.

2. Whenever under these rules any map, profile, certificate, statement has theretofore been filed with the Commission, the petition may state or other document is required to be filed with a petition and the same the fact of such filing with the date and the proceedings in which, or occasion on which, the filing was made.

Correction of applications.

3. Upon the filing of such petition, the Commission shall examine the same to see whether it establishes a prima facie case for action on the part of the Commission and conforms to these rules. If the petition fails in either of these respects, the Commission will give notice of the defects to the applicant, who may correct the same.

If the petition be found to state a prima facie case and to comply with the rules, the Commission may make an order ex parte granting the application, or will appoint a time and place for a hearing on the same, provided that a hearing shall always be held when provided for under the Laws of the State.

RULE X.

Railroad Crossings.

Applications for Construction, Alteration or Abolition of.

Additional information required in applications regarding railroad crossings.

When application is made for the construction, alteration or abolition of crossings (1) of public roads, highways or streets by railroads, or (2) of railroads by public roads, highways or streets, or (3) of railroads by railroads, or (4) of railroads by street railroads, or (5) of street railroads by railroads, or (6) of public roads or highways by street railroads, or (7) of street railroads by public roads or highways, under the provisions of Section 43, Chapter 90, Acts of the Regular Session of the First Legislature of the State of Arizona.

1. The petition, in addition to the requirements of Rule IX, must state:

Estimates of cost.

(a) If the application is for a crossing at grade, such facts, data and estimates of cost as tend to show that it is not reasonable or practicable to effect a separation of grades.

Safety devices.

(b) Such safety device or other protection, if any, as the applicant may believe should be installed, with detailed information concerning the same.

2. With the petition shall be filed:

Map.

(a) Map on scale of not less than 200 feet per inch, showing accurately the location of all tracks, buildings, structures, property lines, streets and roads in the vicinity of the proposed crossing.

Profile maps.

(b) Profiles showing ground lines and proposed grade lines of approaches on such public roads, highways or streets, railroads or street railroads as may be affected by the proposed crossing.

In case of a contemplated crossing of a railroad by a railroad, the profile of each railroad shall show the customary information for not less than one (1) mile on each side of the proposed crossing.

RULE XI.

Safety Devices at Railroad Crossings. Applications For.

Information required as to safety devices.

Whenever a railroad or street railroad desires to protect any crossing which it may have at grade with another railroad or street railroad, with an interlocking or other safety device, it may make application to the Commission for an order approving such device and directing its construction and also prescribing the division of the cost of construction, maintenance and operation of the same.

1. The petition, in addition to the requirements of Rule IX, must state:

Description and cost of device.

- (a) The kind of device proposed, with a description thereof and an estimate of the cost of its construction and operation.

Number of trains using crossing.

- (b) The average number of trains of each class, and of cars in case of street railroads, operated daily over the crossing by each railroad over a period of not less than thirty (30) days.
2. With the petition shall be filed:

Maps.

- (a) Map on scale of not less than 100 feet per inch, showing the location of main tracks, the length and location of all switches, sidings and spur tracks, all buildings and obstructions to the view in the vicinity, the proposed location of tower, if any, and the proposed location of all derails, switches, signals and detector bars, which are proposed to be operated by the device.

Profiles.

- (b) A profile of each railroad or street railroad showing the customary information for not less than one (1) mile on each side of the crossing, in case of railroads, and not less than 1,000 feet in case of street railroads.

Copies of agreements.

- (c) Copies of such contracts or agreements, if any, as may have been entered into relating to the construction or protection of the crossing.

RULE XII.

New Construction or Extensions. Applications For.

Information required with applications for new construction.

When application is made by a street railroad corporation, gas corporation, electrical corporation, telephone corporation or water corporation for a certificate that the present or future public convenience or necessity require or will require a proposed new construction or an extension in the cases specified in Section 50 a, Chapter 90, Acts of the Regular Session of the First Legislature of the State of Arizona,

1. The petition, in addition to the requirements of Rule IX, must state:

Location. Method of construction.

- (a) The proposed location, route or routes, the method of construction and the names of all public service corporations or persons with whom the proposed new construction or extension is likely to compete.

Necessity.

- (b) The facts showing that the proposed new construction or extension is or will be required by public convenience and necessity.

Method of financing.

- (c) The manner, in detail, in which it is proposed to finance the proposed new construction or extension.
2. With the petition shall be filed:

Maps.

- (a) Map to suitable scale showing the location or route of the proposed new construction or extension with its relation to other public service corporations with which the same is likely to compete, which map shall contain all data necessary for a complete understanding of the situation.

Certified copies of franchises.

- (b) When the consent, franchise or permit of a county, municipal or other public authority is necessary, a certified copy of the application therefor and of the ordinance or other instrument granting such consent, franchise or permit.

If it is impossible to file a copy of the application, the facts rendering such filing impossible shall be stated.

RULE XIII.

Franchises and Permits—Applications for Permission to Exercise.

Information required with applications to exercise franchises and permits.

When application is made by a street railroad corporation, gas corporation, electrical corporation, telephone corporation or water corporation for a certificate that public convenience and necessity require the exercise of a right or privilege under a franchise or permit, in the cases prescribed in Section 50 b, Chapter 90, Acts of the Regular Session of the First Legislature of the State of Arizona,

1. The petition, in addition to the requirements of Rule IX, must state:

Financial condition.

- (a) The financial condition of the applicant as defined in Rule 1, 6.

Franchise proceedings.

- (b) The facts showing the proceedings theretofore taken with reference to franchise or permit for which permission and approval are sought.

Reasons for delay in exercise.

- (c) If the application is for permission to exercise a right or privilege under any franchise or permit granted prior to June 1st, 1913, but not theretofore exercised, or the exercise of which has been suspended for more than one year, the reason why such right or privilege has not been exercised or has been suspended.

Necessity.

- (d) The facts showing that the exercise of such right or privilege under such franchise or permit is required by the public convenience and necessity.
2. With the petition shall be filed:

Copy of application to local authorities.

- (a) A certified copy of the written application to the proper county, municipal or other public authority for its consent, franchise or permit, and of the ordinance or other instrument, if any has been secured, granting such consent, franchise or permit. If it is impossible to file a copy of the application, the facts rendering such filing impossible shall be stated.

Maps.

- (b) Map to suitable scale showing the streets, avenues and all other places and property in or upon or along which it is proposed to exercise such franchise or permit.

Preliminary order required before application for franchise.

3. If a public service corporation desires to exercise a right or privilege under a franchise or permit which it contemplates securing, but which has not as yet been granted to it, such public service corporation may apply to the Commission for an order preliminary to the issue of the certificate.

The Commission will, in its discretion, thereupon make an order declaring that it, will thereafter, upon application, issue the desired certificate, upon such terms and conditions as it may designate after the public service corporation has obtained the contemplated franchise or permit. Upon the presentation to the Commission of evidence satisfactory to it that such franchise or permit has been secured by such public service corporation, the Commission will thereupon issue such certificate.

RULE XIV.

**Sale, Lease, Assignment, Mortgage or Other Disposition of Property.
Application For.**

Information required with applications for disposing of property.

When application is made by a railroad corporation, street railroad corporation, pipe line corporation, gas corporation, electrical corporation, telephone corporation, telegraph corporation or water corporation for an order authorizing the sale, lease, assignment, mortgage or other disposition of the whole or any part of its railroad, street railroad, line, plant or system, necessary or useful in the performance of its duties to the public, or any franchise or permit or any right thereunder, or by any means whatsoever, direct or indirect, the merger or consolidation of its property, franchises or permits or any part thereof, with any other public service corporation, in the cases designated and set forth in Section 51 a of Chapter 90, Acts of the Regular Session of the First Legislature of the State of Arizona.

1. The petition must be made by all the parties to the proposed transaction and, in addition to the requirements of Rule IX, must state:

Financial condition.

- (a) The financial condition of each applicant as defined in Rule I,6.

Detailed reasons for disposal.

(b) In detail the reasons upon the part of each applicant for entering into the proposed sale, lease, assignment, mortgage or other disposition of such property, franchise or permit and all the facts warranting the same and showing that it is for the benefit of the public service.

2. With the petition shall be filed:

Copies of agreements.

(a) A copy of the proposed contract, agreement, lease or mortgage, and if prior agreements have been made between the parties relating to the same subject matter, copies of such agreements must be filed with the petition or referred to as already on file with the Commission.

RULE XV.

Acquisition of Part or All Capital Stock of Another Public Service Corporation.—Applications For.

Information required with applications to purchase property.

When application is made by any public service corporation for authorization to purchase or acquire, take or hold any part of the capital stock of any other public service corporation, under the provisions of Section 51 b of Chapter 90, Acts of the Regular Session of the First Legislature of the State of Arizona.

1. The petition must be made by the public service corporation proposing to purchase, acquire, take or hold the stock, and in addition to the requirements of Rule IX, must state:

Financial Condition.

- (a) The financial condition of the applicant and of the corporation whose stock is sought to be purchased, acquired, taken or held, as defined in Rule I, 6.

Reasons for purchase.

- (b) The reasons why the applicant desires to secure the stock, and the amount of the stock of the public service corporation affected, already owned or held by applicant, if any.

Price, terms of payment, etc.

- (c) Price proposed to be paid for the stock, the terms of payment with the market value thereof, the highest and lowest price during the period of at least one year, prior to the application, and dividends, if any, paid for a period of five years.

RULE XVI.

Stocks, Bonds, Notes and Other Evidences of Indebtedness.—Applications for Order Authorizing Issue of.

Information required with applications to issue securities.

When application is made by any public service corporation for an order authorizing the issue of stock or stock certificates, or bonds, notes or other evidences of indebtedness payable at periods of not more than twelve months after the date thereof, under the provisions of Section 52, Chapter 90, Acts of the Regular Session of the First Legislature of the State of Arizona.

1. The petition, in addition to the requirements of Rule IX, shall state:

Physical condition of applicant.

- (a) The financial condition of the applicant as defined in Rule I, 6, and a description of the railroad, street railroad, line, plant or system, and equipment of the applicant, with the original cost, where possible, and its cost to the applicant, and the amount of its stock held by other corporations and their names, and the kind of stock held by each. If it is impossible to state the original cost, the facts creating such impossibility shall be stated.

Amount and kind of securities to be issued.

- (b) The amount and kind of stock, if any, which the public service corporation desires to issue, and, if preferred, the nature and extent of the preference; the amount of bonds, notes or other evidences of indebtedness, if any, which the public service corporation desires to issue, with terms, rate of interest and whether and how to be secured.

Use to which proceeds are to be devoted.

(c) The use to which the capital to be secured by the issue of such stock or stock certificates, or bonds, notes or other evidences of indebtedness is to be put, with a definite statement of how much is to be used severally for the acquisition of property, the construction, completion, extension or improvement of facilities, the improvement of service, the maintenance of service, the discharge or refunding of obligations, and the reimbursement of moneys actually expended from income or from any other moneys in the treasury, as provided by Section 52, Chapter 90, aforesaid.

Description of property to be acquired.

(d) The property in detail which is to be acquired, with its value, a detailed description of the contemplated construction, completion, extension or improvement of facilities set forth in such a manner that an estimate of cost may be made, a statement of the character of the improvement of service proposed, and of the reasons why the service should be maintained from its capital. If it is proposed to discharge or refund obligations or to reimburse moneys actually expended, a statement of the nature and description of such obligations and expenditures, including the par value of the obligations and the amount for which they were actually sold and the application of the proceeds and of the moneys expended, showing when, to whom and for what paid or applied.

Copies of all contracts.

(e) Whether any contracts have been made for the acquisition of such property, or for such construction, completion, extension or improvement of facilities, or for the reimbursement of expenditures, or for the disposition of any of the stock or stock certificates, or bonds, notes or other evidences of indebtedness which it is proposed to issue, or the proceeds thereof, and if any such contracts have been made, copies thereof shall be annexed to the petition.

**Detailed information regarding capitalization
of right to be a corporation, etc.**

(f) Whether any of the outstanding stock or stock certificates or bonds, notes or other evidences of indebtedness of the public service corporation have been issued or used in capitalizing the right to be a corporation, or any franchise or permit, or the right to own, operate or enjoy any such franchise or permit, or any contract for consolidation or lease, and if so, the amount thereof and the franchise, right, contract or lease so capitalized.

Statement of financial condition required in case of merger.

(g) If the stock or stock certificates are to be issued by a corporation formed by the merger or consolidation of two or more corporations, the petition shall contain a complete statement of the financial condition of the corporations so to be merged or consolidated of the kind required by subdivision (a) hereinbefore set forth, and of their capital stock at the par value thereof.

Other pertinent facts.

(h) Such other facts as may be pertinent to the application.

Records filed.

2. With the petition must be filed:

Proceedings authorizing issue.

(a) A certificate or proposed certificate of proceedings at the meeting of directors and stockholders authorizing the issue of the desired securities, with a copy of the mortgage, if any.

Certified list of stockholders.

(b) A certified list of the certificates of stock already outstanding, with the shares of stock represented by each certificate, and the amounts paid to the public service corporation on each certificate as originally issued, either in money, labor or property, stating the amount of each.

Maps.

(c) Maps, profiles, plans and plats of proposed property and construction showing:

1. In the case of railroads, including street railroads, all information, indicating with particularity the property to be acquired, surrounding property and location thereof, and extent of construction proposed.

Maps of property to be acquired.

2. In the case of other public service corporations, such certified maps and plans as will indicate to the Commission the property to be acquired and the location, extent and character of the proposed construction.

Copies of deeds.

(d) Original deeds of property, or certified copies thereof, covered by proposed issue, with a detailed statement of its actual cost.

Copies of contracts.

(e) Certified copies of all contracts for the acquisition of proposed property and equipment and for construction, with plans and specifications of such buildings and structures as may have been designed.

Inventories of property.

(f) Complete inventory of all property and equipment proposed to be acquired, prepared upon or in accordance with blank forms and specifications prescribed by the Commission, and a statement of the cost thereof.

Statement of bonuses.

(g) A certified statement of all cash bonuses and other donations of property received, if any.

Commission's order to contain.

3. If the application is granted, in whole or in part, the Commission's order will:

(a) Prescribe the purposes and amounts for which the issue authorized or the proceeds thereof may be used.

Conditions of sale.

(b) Direct the applicant to report under oath the sale or sales of the securities or obligations authorized, the terms and conditions of sale and the amounts realized therefrom.

To show use of money.

(c) Require the applicant to make a verified report at least every six months showing in detail the use and application by it of the moneys so realized until such moneys shall have been fully expended.

Other conditions.

(d) Specify such condition or conditions and prescribe such terms as the Commission may deem reasonable and necessary to the exercise of its permission.

RULE XVII.

Increases in Charges—Application for Permission to Make.

Information required with application to increase charges.

When application is made by any public service corporation to raise any rate, fare, toll, rental or charge, or so to alter any classification, contract, practice, rule or regulation as to result in an increase in any rate, fare, toll, rental or charge, under the provisions of Section 63 a of Chapter 90, Acts of the Regular Session of the First Legislature of the State of Arizona.

1. The petition, in addition to the requirements of Rule IX, must state:

Statement of present rates.

(a) The rates, fares, tolls, rentals or charges in effect and the increases which it is desired to make. These allegations may be made by reference to schedules accompanying the petition.

Reasons for increase.

(b) The reasons for the increase, to be stated in full, so that the Commission may clearly see the justification therefor.

2. With the petition must be filed:

Schedules, etc.

(a) Such schedules or data, if any, as the Commission's tariff circulars or other applicable orders may, from time to time specify.

Action of Commission.

3. If the Commission is satisfied with the showing so made, it may take action on the application ex parte; otherwise it may order a hearing and give notice thereof to such corporations or persons as it may consider necessary or desirable.

RULE XVIII.

Long and Short Transmission of Messages.

Information required with applications under Sec. 24,c Chap, 90, aforesaid.

When application is made by a telephone or telegraph corporation for authorization to charge less for a longer than for a shorter distance service for the transmission of messages or conversations over the same line or route in the same direction, under the provisions of Section 24 c, Chapter 90, Acts of the Regular Session of the First Legislature of the State of Arizona.

1. The petition, in addition to the requirements of Rule IX, must state:

Facts bearing on application.

(a) Such facts in connection with the matter and the reasons for the desired relief as may be specified from time to time in the Commission's orders or instructions.

2. With the petition must be filed:

Schedules or data.

(a) Such schedules or data, if any, as the Commission's applicable orders, or instructions may, from time to time, specify.

Action of the Commission.

3. If the Commission is satisfied with the showing so made, it may take action on the application ex parte; otherwise it may order a hearing and give notice thereof to such corporations or persons as it may consider necessary or desirable.

RULE XIX.

Excessive or Discriminatory Charges—Application for Permission to Refund.

Information required with application to refund.

When application is made by any public service corporation to make reparation to any shipper or consumer on account of the rates charged to said shipper or consumer being excessive or discriminatory,

1. The petition, in addition to the requirements of Rule IX, must state:

Statement of facts.

(a) Such facts in connection with the matter as may be prescribed from time to time in the Commission's tariff circulars or other applicable orders or instructions.

2. With the petition shall be filed:

Admissions.

(a) Such admissions, undertakings or statements on the part of the applicant as the Commission's tariff circulars or other applicable orders or instructions may, from time to time, specify.

Action of Commission.

3. If the Commission is satisfied with the showing so made, it may take action on the application ex parte; otherwise it may order a hearing and give notice thereof to such corporations or persons as it may consider necessary or desirable.

RULE XX.

Extensions of Time to File Required Reports, Statements or Data, or to Comply with Commission's Orders—Applications For.

Information required with applications for extensions of time to file reports.

Whenever a public service corporation has been required by the Commission to file any report, statement or data, or to comply with any order of the Commission within a time specified, and for any reason is unable to do so within such time, it must, before the expiration of such time, file with the Commission an application for an extension of time, in which event:

1. The petition shall set forth in detail:

Efforts made to prepare reports.

(a) What, if any, effort has been made by the applicant to prepare such report, statement or data, or to comply with such order.

Reasons for delay.

(b) Any facts tending to show why the said report, statement or data cannot be filed or said order complied with within the time prescribed.

(c) Any other facts which may make an extension of time necessary or proper.

Time necessary to complete.

(d) The further period of time deemed necessary by the applicant within which to make and file such report, statement or data or to comply with such order.

Action of Commission.

2. The Commission may direct a hearing upon said petition and in that event, the applicant shall attend before the Commission, or the Commissioner holding the hearing, and produce such witnesses and documents as the Commission may require.

RULE XXI.

Other Applications.

Information required with other applications.

All applications relating to matters over which the Commission has jurisdiction and which are not governed by any of the preceding rules, shall be made by petition, setting forth the name and address of the applicant and the matter with reference to which the Commission's order, authorization or permission is desired. Thereupon the procedure shall be such as the Commission may prescribe.

RULE XXII.

In special cases, for good cause shown, the Commission may permit deviations from these rules, in so far as it may find compliance therewith to be impossible or impracticable.

RULE XXIII.

Amendment of Rules.

These rules may be amended at any regular session of the Commission.

RULE XXIV.

Forms Prescribed for Use.

The following forms may be used in cases to which they are applicable, with such modifications as the circumstances may render necessary:

1. Formal Complaint.
2. Formal Application.
3. Order to Satisfy or Answer a Complaint.
4. Answer.
5. Notice of Hearing on Complaint.
6. Published Notice of Hearing on Application.

NO. 1.

Form of Formal Complaint.

BEFORE THE ARIZONA CORPORATION COMMISSION.

(Insert name of complainant)

Complainant,

vs.

(Insert name of defendant)

Defendant.

NO.....

(To be inserted by the Secretary
of Commission.)

COMPLAINT.

The complaint of (here insert full name of complainant) respectfully shows:

1. That (here state occupation and postoffice address of complainant).
2. That (here insert full name, occupation and postoffice address of defendant.)
3. That (here insert fully, clearly and specifically the act or thing done or omitted to be done which complainant claims constitutes a cause of complaint).

WHEREFORE, complainant asks (here state specifically the relief to which complainant believes he is entitled).

Dated at....., Arizona, thisday of

....., 191.....

.....
(Complainant's name)

.....
(Name and address of attorney, if any)

NO. 2.

Form of Formal Application.

BEFORE THE ARIZONA CORPORATION COMMISSION.

In the matter of the application of
(here insert name of applicant) for
(here insert desired order, author-
ization, permission or certificate,
thus: "order authorizing issue of
stocks and bonds").

NO.....

(To be inserted by the Secretary
of Commission.)

APPLICATION.

The petition of (here insert name of applicant) respectfully shows:

1. That (here insert principal place of business and postoffice address, character of business and territorial extent thereof, of applicant).
2. That (here insert clearly, specifically and fully the facts required by these Rules, and any additional facts which the applicant desires to state to show the relief which he desires and the facts on which it is based).

WHEREFORE, petitioner asks that the Arizona Corporation Commis-
sion (here state specifically the action which the applicant desires the
Commission to take).

Dated at....., Arizona, thisday of
....., 191.....

.....
(Petitioner's name)

.....
(Name and address of attorney, if any)

(Verification)

NO. 3.

Form of Order to Satisfy or Answer a Complaint.

BEFORE THE ARIZONA CORPORATION COMMISSION.

(Insert name of complainant)

Complainant,

vs.

(Insert name of defendant)

Defendant.

NO.....

(To be inserted by the Secretary
of Commission.)

ORDER TO SATISFY OR ANSWER.

To (here insert name and address of defendant):

You are hereby notified that a complaint has been filed in the above
entitled action against you as defendant, and you are hereby ordered to sat-
isfy the matters therein complained of or to answer said complaint in writ-
ing within ten (10) days from the service upon you of this order and the
copy of said complaint which is hereunto attached.

By Order of The Arizona Corporation Commission.

Dated at Phoenix, Arizona, this.....day of 191.....

.....
Secretary, Arizona Corporation Commission.

(Seal)

NO. 4.

Form of Answer to Formal Complaint.

BEFORE THE ARIZONA CORPORATION COMMISSION.

(Insert name of complainant)

Complainant,

vs.

(Insert name of defendant)

Defendant.

NO.....

(Insert number of case.)

ANSWER.

The above named defendant, for answer to the complaint in this proceeding, respectfully state:

1. That (here follow specific admissions or denials of the material allegations of the complaint, and also the facts relied upon as a defense. Continue numbering each succeeding paragraph).

WHEREFORE, the defendant prays that the complaint be dismissed (or other appropriate prayer).

.....
(Name of defendant)

— o —

NO. 5.

Form of Notice of Hearing on Complaint.

BEFORE THE ARIZONA CORPORATION COMMISSION.

(Insert name of complainant)

Complainant,

vs.

(Insert name of defendant)

Defendant.

NO.....

(Insert number of case.)

NOTICE OF HEARING.

To (here insert names of all parties).

You and each of you are hereby notified that the Arizona Corporation Commission has set the above entitled case for hearing before (here insert The Commission, or Commissioner) on (day of week), the (day of month), day of (name of month), 191...., at o'clock M., in the office of the Commission at the State House in Phoenix, Arizona, at which time and place you will be given an opportunity to be heard.

By Order of the Arizona Corporation Commission.

Dated at Phoenix, Arizona, this.....day of, 191.....

.....
Secretary, Arizona Corporation Commission.

(Seal)

NO. 6.

Form of Published Notice of Hearing on Application.

BEFORE THE ARIZONA CORPORATION COMMISSION.

In the matter of the application of
(here insert name of applicant) for
(here insert desired order, author-
ization, permission or certificate).

NO.....
(Insert number of case.)

NOTICE OF HEARING.

Notice is hereby given that the application of (name of applicant in full) for the (approval, determination, consent, permission, certificate or authorization) of the Arizona Corporation Commission to (here state nature of consent asked for) will be heard before (here insert the Commission, of Commissioner), at the office of the Commission in the State House in Phoenix, Arizona, on (day of week), the (day of month) day of (name of month), 191..., at o'clock M.

By Order of the Arizona Corporation Commission.

Dated at Phoenix, Arizona, this.....day of, 191.....

(Seal)

.....
Secretary, Arizona Corporation Commission.

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